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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.

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COMMISSIONER OF COMMERCIAL TAXES

INCLUSION OF NAME OF SMT. G. USHA RANI, DCTO, IN THE SENIORITY LIST OF DCTOs OF ZONE-VI FOR THE PANEL YEAR 2004-05 – SHOW CAUSE NOTICE ISSUED CALLING FOR OBJECTIONS FROM THE AFFECTED PERSONS – OPPORTUNITY OF RECORDS PERUSAL HAS BEEN GIVEN - OBJECTIONS FILED – ORDERS - PASSED.

- Ref:
1. CCT's Ref. No. DZ(3)/466/2012-VI, dt. 24.01.2014.
 2. Memo No. 7986/REV/CT.I/2014-1, dt. 31.10.2014.
 3. CCT's Ref. No. TS/DZ/682/2014, dt. 27.04.2015.
 4. CCT's Ref. No. TS/ DZ/682/2015, dt. 22.05.2015.
 5. Govt. Memo No. 9385/CT.I/2015, dt. 29.05.2015.
 6. CCTs Ref. No. TS/ DZ/ 682/2015, dt. 16.06.2015
 7. Objection filed by Sri Syed Basha Hussain, DCTO, Nalgonda, dt. 27.06.2015.
 8. Objection filed by Sri B. Upender Reddy, DCTO, Enft. Wing, O/o. CCT, Hyderabad, dt.30.06.2015.
 9. CCT's Ref. No. TS/ DZ/682/2015, dt. 10.07.2015.
 10. Representation of Sri B. Upender Reddy, DCTO, Enft. Wing, O/o. CCT, Hyderabad, dt.15.07.2015 and 27.07.2015.
 11. Representation of G. Srinivas, DCTO, dt. 09.07.2015.
 12. Representation of P. Srinivas Reddy, DCTO, dt. 09.07.2015.

CCT's Ref. No. TS/DZ/682/2015,- The name of Smt. G. Usha Rani, ACTO (1995 DR) was passed over in the DPC held on 09-06-2006 for considering promotions as DCTO during the panel year 2005-06, as the individual was proceeded on EOL.

2. Smt. G.Usha Rani, has filed representation dated: 24.11.2014, for her promotion as DCTO on par with her junior Sri. K.Venkateswarlu, who got promotion during the year 2005-06. The Government in its Memo No: 7986/CT.I(1)/2014-1, dated: 15.12.2014, have requested the Commissioner of Commercial Taxes to consider the name of Smt. G.Usha Rani, ACTO for promotion as DCTO by conducting review Departmental Promotion Committee (DPC). Accordingly a Review DPC meeting was conducted on 18.04.2015. The Committee has made recommendation for inclusion of the name of Smt. G.Usha Rani, ACTO in the panel of DCTOs of Zone- VI, for the panel year 2005-06 at appropriate place ie., above the

name of Sri. K.Venkateswarlu, who was immediate junior to her and whose name was placed at Sl.No:119 in the seniority list placed before them and given them approval for adhoc promotion as DCTO in respect of Smt. G.Usha Rani, in zone VI, by relegating the last person included in the panel year from 2005-06 to the subsequent panel years by following due procedures as per rules. Accordingly Smt.G.Usha Rani, ACTO, has been promoted as DCTO and posted as DCTO Saroornagar in the Office of the C.T.O. Saroornagar circle, Saroornagar Division vide CCT's Ref. No. TS/ DZ/682/2014, dt. 27.04.2015.

3. Consequently, Smt. G.Usha Rani, DCTO filed representation, dated:24.11.2014 to the Government to restore her seniority by giving notional date of seniority i.e., the date of promotion of her junior.

4. The Government have permitted the Commissioner (CT), Telangana State, Hyderabad to review the seniority of Smt. G. Usha Rani, DCTO, Saroornagar Division for inclusion of her name in the panel year 2004-05 of DCTOs of Zone-VI, above the name of Sri K. Venkateswarlu, DCTO following due procedure as laid down in the Rule 24 of APS & SS Rules and issue Show Cause Notice to all the persons likely to be affected, by calling for objections, if any.

5. As per the directions of the A.P. High Court, dt 9.4.2001 in W.P.No.24335/99 and 14538/2000 and the Hon'ble A.P.A.T. Orders dated 22.7.2003 in O.A.No. 6022/2001 and batch and APAT orders dated 27.12.2010 in OA No.9200/2010 filed by Sri J. Subba Reddy presently CTO and 11 others and orders of the Govt. Memo. No.263/CT.I(2)/2011, dt 29.06.2011, basing on rota quota provision, the seniority of ACTOs were revised and published in AP Gazetted No. 66, dt. 08.5.2012. Consequently, the seniority of DCTOs of Zone-VI was also revised and finalised vide CCT's Ref. No. DZ(3)/466/2012-VI, dt. 24.01.2014, for the panel years from 1977-78 to 2004-05.

6. In view of review of seniority of DCTOs of Zone-VI, the name of her junior Sri K. Venkateswarlu, is finding place at Sl.No. 98, in the above finalised seniority list of DCTOs of Zone-VI, in the panel year 2004-05.

7. Therefore, as per the directions of Government issued in the reference 5th cited, the name of Smt. G. Usha Rani, DCTO of Zone-VI, is hereby proposed to include in the revised seniority list of DCTOs of Zone-VI, at Sl.No. 97-A, in the panel year 2004-05, above the name of Sri K. Venkateswarlu, Sl.No. 98, duly relegating Sri B. Upender Reddy, DCTO, at Sl.No. 139 from the panel year 2004-05 to 2005-06 as he was the last person in the panel year 2004-05 (Annexure-I).

8. The affected persons are requested to file their objections, if any, to the proposed Show Cause Notice within 15 days from the date issue of this Show Cause Notice (or) publication of this Show Cause Notice in the Departmental Website, failing which, it will be construed that there are no objections to the proposed seniority and that orders will be passed without further notice.

9. It is also informed that the changes made in the placement of this individual is only for the purpose of seniority, but it does not confer any right to notional promotion or monetary benefits etc, with retrospective effect.

10. The proposed seniority will be subject to the outcome of SLP/ WPs, if any appeals pending before the Supreme Court of Indian/ High Court of judicature at Hyderabad.

Accordingly, show Cause Notice was issued to all the affected individuals vide this office ref. No. TS/DZ/682/2015, dt. 16.06.2015. The Show Cause Notice was also published in the Telangana Gazette Part-I, Extraordinary No. 189, dt. 24.06.2015.

In response to the Show Cause Notice the following individuals filed their objection which are examined as under:

Objection filed by Sri Syed Basha Hussain, DCTO, Nalgonda

Sri Syed Basha Hussain, DCTO, Nalgonda Division (1994-95 Batch ACTO) has filed his written objections to the Show Cause Notice issued for inclusion the name of Smt. G. Usha Rani, DCTO in the panel year 2004-05 of DCTOs of Zone-VI, vide the reference 7th cited.

Sri Syed Basha Hussain in his objections has stated that his name was placed at Sl.No. 97, before the name of Madhusudhana Chary and below the name of Sri Dhananjay Naik (Sl.No. 96) in the integrated

seniority of ACTOs of Zone-VI which was finalised vide CCT's Ref. No. DX2/1249/2005, dt. 15.11.2005. Subsequently the said seniority was revised and his name was placed at Sl.No. 104 between the above individuals. Smt. G. Usha Rani is junior to him and her placing in seniority list above his name in the panel year 2004-05 is against the due procedure of law. Her inclusion at Sl.No. 97A in the panel year 2004-05 is highly objectionable and contrary to rules of natural justice.

He also stated that he has been promoted as DCTO on 18.02.2007 and Smt. G. Usha Rani was promoted as DCTO on 27.04.2015 and placing her name in the panel year 2004-05 of DCTOs of Zone-VI above the name of Sri K. Venkateswarlu and assigning her the panel year 2004-05 is rightly and justifiably objected by him. Therefore, he has requested to permit him to object the manner in which recently promoted junior DCTO Smt. G. Usha Rani, can be placed above his name when his promotion is effected over 8 years ago and he has (8) years senior to her. Hence, her placement may be deferred above his name while giving an opportunity of personal hearing.

Reply to the objections of Sri Syed Basha Hussain, DCTO

Smt. G. Usha Rani was included in the DCTOs panel for the year 2004-05 as per the directions of the Government vide Memo No. 9385/CT.I/2015, dt. 29.05.2015. The Government have permitted the Commissioner (CT), Telangana State, Hyderabad to review the seniority of Smt. G. Usha Rani, DCTO, Saroornagar Division for inclusion of her name in the panel year 2004-05 of DCTOs of Zone-VI, above the name of Sri K. Venkateswarlu, DCTO following due procedure as laid down in the Rule 24 of APS & SS Rules and issue Show Cause Notice to all the persons likely to be affected, by calling for objections, if any. Accordingly, the name of the individual was reviewed and placed in the seniority of DCTOs of Zone-VI against the panel year 2004-05, following the due procedure as laid down in the Rule 24 of APS & SS Rules.

Sri Syed Basha Hussain was 1994-95 batch ACTO and senior to Smt. G. Usha Rani in the cadre of ACTO. But, the immediate junior and senior of Sri Syed Basha Hussain were promoted as DCTO against the panel year 2005-06 whereas Sri Syed Basha Hussain was promoted as DCTO against the panel year 2006-07 due to pendency of "Censure". Smt. G. Usha Rani was promoted as DCTO on 27.04.2015 against the vacancy of the panel year 2005-06. Therefore, Sri Syed Basha Hussain is junior to Smt. G. Usha Rani, in the cadre of DCTO and hence the objections of the individual were not tenable.

Hence, the objections of the individual are overruled.

Objection filed by Sri Upender Reddy, DCTO, Enft. Wing, O/o. CCT, Telangana:

Sri B. Upender Reddy, DCTO, Enft. Wing, O/o. Commissioner (CT), Telangana has filed the objections vide his letter dated 30.06.2015 stating that, why she was not promoted along with her juniors. He also stated that her period of EOL and reasons for EOL or any punishments during the period of promotion is imposed are not mentioned. She was deferred in the earlier panels where her juniors were promoted as DCTO due to charges are pending against her.

Further Sri B. Upender Reddy has submitted that he would like to peruse the records of earlier DPC conducted from 2006 onwards, as her juniors is promoted as DCTO in the year 2006. He also requested to furnish the following documents:

1. Copy of the Charges framed against Smt. G. Usha Rani,
2. Copy of proceedings of the CCT, dropping charges against Smt. G. Usha Rani.
3. Circular instructions of the Government where the individual un-authorised absent from duty more than one year.
4. Copy of punishment orders issued to Smt. G. Usha Rani.
5. Date of declaration of probation of Smt. G. Usha Rani, in the cadre of ACTO.

B. Upender Reddy has been provided an opportunity of perusing the records on 13.07.2015 at 3.30 PM in the Chambers of Addl. Commissioner (CT), O/o. Commissioner (CT), Telangana, Hyderabad, vide the reference 9th cited and the same was served on the individual on 10.07.2015. Sri B. Upender Reddy has perused the records provided to him and filed a letter vide the reference 9th cited stating that on

perusal of provided records it is noticed by him that the following records are necessary for filing his objections.

1. G.O.Rt.No. 1073, Rev. (CT.III) Dept., dt. 12.06.2003
2. Vig./140/2007, dt. 19.05.2011.
3. Vig. (3)/647/2011, dt. 15.03.2012.
4. G.O.Rt.No. 372, Rev. (CT.I) Dept., dt. 14.03.2013.
5. CCT's Ref. No. TS/DZ/682/2014, dt. 17.11.2014.
6. Copies of the individual representations made within a period of six months from the date of her juniors were promoted.

Sri B. Upender Reddy has also stated that at Sl.No. 115, Sri Habeeb Mosin Iqbal included in the seniority list was not qualified and was retired as ACTO. He requested not to pass any orders without providing the above requested records which may cause irreparable damage to him if he is relegated to the next panel year.

Reply to the objections filed by Sri B. Upender Reddy, DCTO

Sri B. Upender Reddy, DCTO was given sufficient time for filing of his objections to the proposed Show Cause Notice, and he has been provided opportunity for perusal of records of DPC files (04) from the panel year 2005-06 to till date on 13.07.2015. After perusal of records he had made the representation for providing of documents vide the reference 8th and 10th cited. The documents which have been asked by Sri B. Upender Reddy, DCTO are to be provided, if he asks under RTI Act. As per the instructions Addl. CCT (I/c.) he was also shown all the relevant records on 27.07.2015 which he has requested in the reference 10th cited.

Sri Habeeb Mosin Iqbal, Sl.No. 115, was included in the seniority list of DCTO as the individual was getting notional promotion as DCTO even he was retired as ACTO. Such seniority of DCTO was already finalised by the then Commissioner (CT), AP, Hyderabad. At the time of finalisation of seniority with the name of Sri Habeeb Mosin Iqbal Ali, even the applicant also not objected about the individual's placement.

The promotion of Smt. G. Usha Rani as DCTO has been examined as per the directions of the Government and accordingly she was promoted as DCTO on 27.04.2015 against the panel year 2005-06. Subsequently, as per the directions of Government for inclusion her name in the seniority list of DCTOs of Zone-VI against the panel year 2004-05 was proposed calling for the objections from the affected parties.

Hence, sufficient time from 16.06.2015 to 29.07.2015 has been given to Sri B. Upender Reddy, DCTO for filing of objection, but, no objections have been filed him so far. Even after perusal of records, he did not file any objections except representation of grievance vide the reference 8th and 10th cited which are not tenable. Hence, it is treated that he has no objections filed against the proposed Show Cause Notice.

Objections filed Sri G. Srinivas and Sri P. Srinivas Reddy, DCTOs

Sri G. Srinivas and Sri P. Srinivasa Reddy, DCTOs have requested the entire material of her inclusion may be furnished, so as to enable them to submit their objections.

Reply to the objections filed by Sri G. Srinivas and Sri P. Srinivas Reddy, DCTOs

Both the requests of the above officers have been received by this office after due date for filing of objections to the Show Cause Notice. Hence, the objections of the individuals are overruled.

Therefore, the proposed Show Cause Notice issued vide reference 6th cited for inclusion the name of Smt. G.Usha Rani, at Sl.No. 97-A, above the name of Sri K. Venkateswarlu, Sl.No. 98, is hereby confirmed, by relegating the name of Sri B. Upender Reddy, DCTO Sl.No. 139 from the panel year 2004-05 to 2005-06 (Annexure-I).

The above confirmation of seniority will be subject to the outcome of SLPs/WPs/OAs/ appeals pending, if any, before the Hon'ble APAT/ Govt. /High Court / Supreme Court of India.

A copy of the orders can be accessed from www.tgct.gov.in

ANNEXURE - I

Inclusion of the name of Smt. G. Usha Rani, DCTO in the finalised seniority list of DCTOs of Zone-VI, vide CCT's Ref. No. DZ(3)/466/2012-IV, dt. 24.01.2014 and CCT's Ref. No. TS/DZ/164/2015, date :09.03.2015

Sl.No.	Panel year	Name of the Individual	Date of Birth	Working / Retired
96	2004-05	K.Venugopal	21-09-1966	
97	2004-05	G.Rajyalakshmi	15-06-1962	
97-A	2004-05	G. Usha Rani	04/04/1965	
98	2004-05	K.Venkateshwarlu (SC)	04-04-1969	
99	2004-05	N.Aruna Reddy	20-01-1964	
100	2004-05	D.Sailaja	12-02-1964	
101	2004-05	S. Ravichandra		
102	2004-05	N.Sunitha	01-07-1959	
103	2004-05	G.J.S.Praveena	08-05-1969	
104	2004-05	K.Navaneetha (SC)	25-09-1966	
105	2004-05	G.Radha Gopal Naidu	02-04-1961	
106	2004-05	G.Narasimhulu (SC)	02-02-1952	
107	2004-05	S.Kishan (SC)	12-02-1950	
108	2004-05	M.Surender (SC)	10-06-1947	Retired
109	2004-05	G.Kantaiah	20-07-1950	Retired
110	2004-05	E.Krishna Rao	23-01-1952	Retired
111	2004-05	K.Babu Rao	10-11-1950	Retired
112	2004-05	Mohd.Altafar Rehman	17-05-1950	Retired
113	2004-05	Yech.Vidya Sagar	27-02-1951	Retired
114	2004-05	P.Sridhara Rao	27-01-1951	Retired
115	2004-05	Habeeb Mosin Iqbal	05-10-1947	Retired
116	2004-05	Shak Mohinuddin	01-05-1948	Retired
117	2004-05	S.Mohan Rao	01-01-1950	Retired
118	2004-05	M.Venkataiah (ST)	12-08-1960	expired
119	2004-05	B.Ananda Rao	06-06-1950	Retired
120	2004-05	S.Durgaiah	08-02-1952	Retired
121	2004-05	M.Sadanand (SC)	16-03-1950	Retired
122	2004-05	Mohd. Fasiuddin	30-07-1950	Retired
123	2004-05	G.Rama Krishna Reddy	07-07-1948	Retired
124	2004-05	C.Shakunthala	12-01-1965	
125	2004-05	G.Srinivas (SC)	15-03-1967	
126	2004-05	P.Subhash	04-12-1952	
127	2004-05	P.Radha Krishna	01-04-1957	
128	2004-05	B.Kishan Lal	01-12-1949	Retired
129	2004-05	K.V.Vital	12-06-1950	Retired
130	2004-05	G.Srinivasulu	08-03-1948	Retired
131	2004-05	N.Devid	08-05-1952	Retired
132	2004-05	A.V.Srinivasa Rao	02-03-1952	Retired
133	2004-05	B.Augustine (Amarender) (SC)	10-03-1956	
134	2004-05	P.Sivaramreddy	15-06-1964	
135	2004-05	Bhupender Lal	01-08-1955	
136	2004-05	R.F.R. Kumar (SC)	09-06-1960	
137	2004-05	Y.Balaiah	03-01-1950	Retired
138	2004-05	S.Prakash (SC)	02-10-1949	Retired

Hyderabad,
29-07-2015.

V. ANIL KUMAR,
Commissioner Commercial Taxes.